

IN THE UNITED DISTRICT COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA

DAVID BIEBEL, ) ERIE DIVISION  
 )  
PLAINTIFF, ) CIVIL ACTION NO. \_\_\_\_\_  
 )  
vs. )  
 )  
Kohl's DEPARTMENT STORE, )  
 )  
DEFENDANT )  
 )  
 )

INTERROGATORIES AND REQUESTS FOR  
PRODUCTION OF DOCUMENTS DIRECTED TO  
THE PLAINTIFF

NOW COMES the Defendant, Kohl's Department Stores, Inc., incorrectly named Kohl's Department Store, by its attorneys, TIGHE, EVAN, EHRMAN, SCHENCK & PARAS, and propounds the following interrogatories and requests for production of documents to plaintiff demanding that full, complete and responsive answers to said interrogatories be filed under oath and served upon all parties within thirty (30) days from the date of service hereof. Pursuant to the Federal Rules of Civil Procedure, these interrogatories shall be deemed continuing in nature so as to require supplemental answers if and when additional information shall become known in response to these interrogatories.

**INSTRUCTIONS**

- A. As detailed in the Federal Rules of Civil Procedure, if, after serving an answer to any interrogatory, you obtain or become aware of any additional materials pertaining to

6. Please describe with particularity the precise condition which you contend was the cause of your fall, and its exact location on the defendant's premises.

ANSWER: I was carrying a pair of slacks, a pack of socks, and a shirt as I was looking for the shoe department. I was leaving the casual clothes department, I turned to the right and began walking down the closest aisle. I was looking to my left (which arm I was carrying the clothes) to see how far the shoe department was, about 10 ft. down the aisle I stepped onto the shoe measuring device (left) which caused me to fall on my right knee. Device was located in the center of said aisle.

7. If the condition described in answer to Interrogatory Number 6 was a substance or foreign matter, what was its source, if known to you?

ANSWER: Shoe measuring device.

8. How long did the condition described in answer to Interrogatory Number 6 above exist prior to your fall?

ANSWER: Unknown

9. State whether at any time prior to your fall you observed the condition described in the answer to Interrogatory Number 6 above.

a) identify that person;

ANSWER: See answer to Interrogatory #5.

b) what was the date of the conversation; and

ANSWER: 6-29-04

c) describe the substance of the conversation.

ANSWER: What was the extent of my injuries and for further evaluation make an appointment with an orthopedic doctor.

22. Do you intend to prove at the trial of this case that, prior to your fall, the defendant had actual knowledge of the existence of the condition which you allege was the cause of your fall?

ANSWER: This interrogatory cannot be answered until defendant's employees are deposed.

23. If so, describe all of the evidence on which you will rely to prove the defendant's actual knowledge.

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ANSWER: See answer to Interrogatory #22.

24. Do you intend to prove at the trial of this case that, absent actual knowledge, prior to your fall, the defendant should have known of the existence of the condition which you allege was the cause of your fall?

ANSWER: Yes. See answer to Interrogatory #22.

25. If so, describe the evidence on which you will rely to prove that the defendant should have known of the condition.

ANSWER: See answer to Interrogatory #22

26. Please list the names, addresses, names of employers, business and home telephone numbers of all persons who have participated in or been involved in the investigation, analysis, gathering of information, gathering of statistics, or other factual matter on your behalf or on behalf of any party subrogated to all or a portion of your claim.

ANSWER: None.